

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
AT RICHMOND, APRIL 4, 2023

SEC - CLERK'S OFFICE  
STATE OF VIRGINIA CONTROL CENTER

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PETITION OF

APPALACHIAN POWER COMPANY

CASE NO. PUR-2023-00001

For approval of its 2023 RPS Plan under  
§ 56-585.5 of the Code of Virginia and  
related requests

ORDER FOR NOTICE AND HEARING

During its 2020 Session, the Virginia General Assembly enacted Chapters 1193 (HB 1526) and 1194 (SB 851) of the 2020 Virginia Acts of Assembly. These duplicate Acts of Assembly, known as the Virginia Clean Economy Act ("VCEA"), became effective on July 1, 2020. The VCEA, *inter alia*, establishes a mandatory renewable energy portfolio standard ("RPS") for Appalachian Power Company ("APCo" or "Company") in new § 56-585.5 of the Code of Virginia ("Code"). Subdivision D 4 of Code § 56-585.5 requires APCo to submit annually to the State Corporation Commission ("Commission") plans and petitions for approval of new solar and onshore wind generation capacity ("RPS Filing"). The Commission must determine whether the RPS Filing is reasonable and prudent, giving due consideration to the following factors: (i) the RPS and carbon dioxide reduction requirements in Code § 56-585.5; (ii) the promotion of new renewable generation and energy storage resources within the Commonwealth, and associated economic development; and (iii) fuel savings projected to be achieved by the plan.<sup>1</sup> The Commission's final order regarding any RPS Filing is required by

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<sup>1</sup> Code § 56-585.5 D 4.

Code § 56-585.5 D 4 to be entered by the Commission not more than six months after the date of such filing.<sup>2</sup>

On March 15, 2023, APCo submitted its third annual RPS Filing to the Commission ("2023 RPS Filing" or "Petition"). The 2023 RPS Filing requests that the Commission:

- (i) Approve the Company's annual plan for the development of new solar, wind, and energy storage resources pursuant to Code § 56-585.5 D 4 in order to comply with the mandatory RPS established by the VCEA (the "2023 RPS Plan");
- (ii) Approve a revenue requirement of \$23,178,026 for the rate year of October 2023 through September 2024 ("Rate Year") to be recovered through the mechanisms and methodology approved by the Commission in Case No. PUR-2021-00206 ("2022 VCEA Order");<sup>3</sup>
- (iii) Determine that six new power purchase agreements ("PPAs") and one re-negotiated PPA with solar facilities, all except one located in Virginia, are prudent and can be added to the Company's RPS compliance portfolio;
- (iv) Approve the future cost recovery related to the acquisition by APCo, pursuant to a Purchase and Sale Agreement, of one other renewable facility, which is not located in Virginia and will not be online during the Rate Year; and

APCo states that its 2023 RPS Plan includes multiple scenarios to help inform subsequent requests for proposals for renewable and storage resources that meet the RPS goals, Virginia-domiciled renewable generator requirements, and the energy storage requirements of

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<sup>2</sup> On March 24, 2023, the Staff of the Commission ("Staff") filed a memorandum of completeness/incompleteness finding the Petition complete as of March 24, 2023 with the exception of certain waiver requests. As the Commission grants the waiver requests below, the Final Order on the Company's Petition shall be entered within six months of March 24, 2023.

<sup>3</sup> See *Petition of Appalachian Power Company, For approval of its 2021 RPS Plan under § 56-585.5 of the Code of Virginia and related requests*, Case No. PUR-2021-00206, Doc. Con. Cen. No. 220720045, Final Order on Petition and Associated Requests and Order Bifurcating Proceeding (July 15, 2022).

Code § 56-585.5.<sup>4</sup> The Company further states that each of the portfolios modeled for this RPS analysis was least cost and VCEA compliant, and demonstrated an optimal selection of diverse resources.<sup>5</sup> The Company asserts that new renewable resources serve to mitigate some of the expected capacity needs in 2040 with the modeled retirement of the Atmos and Mountaineer units.<sup>6</sup> The Company further states that market purchases of renewable energy certificates ("RECs") constitute a significant share of compliance strategy for the years prior to 2025.<sup>7</sup> The Company asserts that the use of Virginia compliant RECs in the years prior to 2025 will enable the Company to bank RECs generated from its own resources for use in 2025 and 2026 as its first wave of acquired and contracted resources begin to go into service.<sup>8</sup>

Non-Virginia-Domiciled Wind Facility to be Owned by APCo

APCo proposes to own a wind facility outside of Virginia, the Grover Hill Facility, which is being developed as a 146.2 megawatt ("MW") facility located in Paulding County, Ohio.<sup>9</sup> The Company states that this project may be resized to 103.5 MW, which would result in a decrease in the purchase price.<sup>10</sup> APCo asserts that the Grover Hill Project qualifies as an "RPS eligible source," as it is physically located within the PJM region.<sup>11</sup>

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<sup>4</sup> Petition at 9.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 9-10.

<sup>8</sup> *Id.* at 10.

<sup>9</sup> *Id.* at 12.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

The Company asserts that Grover Hill will not be in commercial operation during the Rate Year.<sup>12</sup> Therefore, the Company states that it is not requesting recovery of specific costs in this proceeding.<sup>13</sup> APCo requests that the Commission authorize the Company to implement "zero rates" to be kept in place until the Grover Hill enters commercial operation.<sup>14</sup> The Company states that the Commission's determination that Grover Hill will be a reasonable and prudent addition to the Company's RPS compliance portfolio is necessary to the project's advancement.<sup>15</sup> The Company asserts that approval in this Petition will allow the Company to take advantage of the federal tax credits for the benefit of its customers.<sup>16</sup>

#### Solar Power Purchase Agreements

The Company sets forth seven solar PPAs as part of its 2023 RPS Plan for which it seeks a prudency determination: (1) Green Acres Solar, a 5 MW solar facility (single axis tracking) located in Henry County; (2) Horsepen, a 20 MW solar facility (single axis tracking) located in Louisa County; (3) Mountain Brook Solar, a 20 MW solar facility (single axis tracking) located in Franklin County; (4) Pleasant Prairie Solar, a 100 MW solar facility (single axis tracking) located in Franklin County, Ohio; (5) River Trail Solar, a 20 MW solar facility (single axis tracking) located in Carroll County; (6) Shifting Sands Solar, a 19 MW solar facility (single axis

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<sup>12</sup> *Id.* at 17.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

tracking) located in Henry County; and (7) Sunny Rock Solar, a 20 MW solar facility (single access tracking) located in Henry County.<sup>17</sup>

#### Environmental Justice

The Company states that it screened each of the proposed projects for any environmental justice concerns and determined that each met the objectives of the Virginia Environmental Justice Act.<sup>18</sup> Further, the Company states that none of the projects disproportionately impacted environmental justice communities as defined in Code § 2.2-234.<sup>19</sup>

#### Legacy Voluntary Compliance Resources

APCo sets forth one legacy wind PPA that it includes as a compliance resource as part of its 2023 RPS Plan. The Beech Ridge Wind Farm PPA ("Beech Ridge") was executed in 2010 with a West Virginia wind farm.<sup>20</sup> The Company states that the Commission did not approve the Company's inclusion of Beech Ridge as part of the Company's previous voluntary RPS compliance portfolio.<sup>21</sup> The Company requests that the Commission approve inclusion of Beech Ridge in its RPS compliance portfolio and allow recovery of the costs of the RECs and capacity produced by Beech Ridge.<sup>22</sup>

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<sup>17</sup> See *id.* at 12-15.

<sup>18</sup> *Id.* at 21.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 14-15.

<sup>21</sup> *Id.* at 15.

<sup>22</sup> *Id.* at 17.

### Cost Recovery and Rate Impact

APCo seeks approval to recover through its RPS RACs the Rate Year revenue requirement of \$23,178,026.<sup>23</sup> The Company states that this revenue requirement consists of: (1) the under-recovery of costs through November 2022 in the amount of \$16,294,531; (2) the Bridge Period revenue requirement of \$(14,382,731) for the period December 2022 through September 2023; and (3) the forecasted costs associated with approved projects as well as proposed projects for the 2022 VCEA Rate Year in the amount of \$21,266,226.<sup>24</sup>

APCo states that the cost allocation methodologies and recovery mechanisms used in this Petition are those approved by the Commission on a conditional basis in the 2022 VCEA Order, which are as follows:<sup>25</sup>

- (1) A.5 RPS RAC to recover \$19,591,559, the non-energy, non-ancillary services, non-capacity costs for all owned facilities, PPAs, and REC purchases;
- (2) A.5 RPS-PCAP RAC to recover \$2,832,042, the costs of the capacity purchased through PPAs; and,
- (3) A.6 RPS RAC to recover \$754,425, the costs of capacity and energy from facilities owned by the Company.

APCo estimates that implementation of the revised RPS RACs on October 1, 2023, would decrease the monthly bill of a residential customer using 1,000 kilowatt-hours per month by approximately \$0.58.<sup>26</sup>

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<sup>23</sup> *Id.* at 10.

<sup>24</sup> *Id.* at 10-11; Direct Testimony of Michael M. Spaeth at Summary Page.

<sup>25</sup> Petition at 11.

<sup>26</sup> *Id.* at 11; Direct Testimony of Michael M. Spaeth at 18 and Schedule 6.

The Company seeks a waiver of Rule 60 of the Rate Case Rules that applications requiring an overall cost of capital include Schedules 3, 4, 5, and 8. The Company asserts that it is not asking for a change in its overall cost of capital from that which is before the Commission in Case No. PUR-2022-00150.<sup>27</sup>

APCo seeks a limited waiver of the requirements under the Rate Case Rules to file voluminous documents related to Beech Ridge and other legacy wind PPAs as part of Schedule 46. Additionally, APCo seeks a limited waiver of the Rate Case Rules for filing the documents comprising Schedule 46 in hard copy. Specifically, the Company asks to be able to file an original and one copy of the public version of this Petition and supporting testimony; an original and twelve copies of the extraordinarily sensitive version of this Petition and supporting testimony; one hard copy of the public version of Schedule 46; one hard copy of the extraordinarily sensitive version of Schedule 46; and discs containing both the public and extraordinarily sensitive versions of this Petition and Schedule 46.<sup>28</sup>

Finally, simultaneously with the filing of its Petition on March 15, 2023, the Company also filed a Motion for Protective Ruling and Additional Protective Treatment for Extraordinarily Sensitive Information ("Motion") along with a proposed protective ruling requesting that the Commission establish procedures designed to protect from public disclosure the Company's confidential and commercially sensitive information.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that the Company should provide public notice of its 2023 RPS Filing; a hearing should be

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<sup>27</sup> Petition at 21. *See also* *Petition of Appalachian Power Company For revision of a rate adjustment clause pursuant to § 56-585.1 A 6 of the Code of Virginia with respect to the Dresden Generating Plant*, Case No. PUR-2022-00150.

<sup>28</sup> Petition at 22.

scheduled for the purpose of receiving testimony and evidence on the Company's 2023 RPS Filing; interested persons should have an opportunity to file comments on the Company's 2023 RPS Filing or to participate as respondents in this proceeding; and the Staff should be directed to investigate the 2023 RPS Filing and file testimony and exhibits containing its findings and recommendations.

We find that a Hearing Examiner should be appointed to conduct all further proceedings in this matter on behalf of the Commission, including ruling on the Company's Motion and filing a final report containing the Hearing Examiner's findings and recommendations.

Next, for purposes of making the Petition complete and commencing this proceeding, we grant APCo's requests for limited waivers from the filing of certain schedules related to the Company's overall cost of capital; the filing of certain voluminous documents as part of Schedule 46 relating to Beech Ridge and other legacy wind PPAs; and the filing of hard copies of Schedule 46.

To promote administrative efficiency and timely service of filings upon participants, the Commission will, among other things, direct the electronic filing of testimony and pleadings unless they contain confidential information, and require electronic service on parties to this proceeding.

Accordingly, IT IS ORDERED THAT:

- (1) This matter is docketed and assigned Case No. PUR-2023-00001.
- (2) All pleadings, briefs, or other documents required to be served in this matter shall be submitted electronically to the extent authorized by 5 VAC 5-20-150, *Copies and format*, of the Rules of Practice. Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules



of Practice. Any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.

(3) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Commission's Rules of Practice, the Commission directs that service on parties and the Staff in this matter shall be accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, parties and the Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk, so that no party or the Staff is impeded from preparing its case.

(4) As provided by § 12.1-31 of the Code and Rule 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Commission's Rules of Practice, a Hearing Examiner is appointed to conduct all further proceedings in this matter on behalf of the Commission, including ruling on the Company's Motion and filing a final report containing the Hearing Examiner's findings and recommendations. A copy of each filing made with the Commission's Clerk's office in this matter shall also be sent electronically to the Office of the Hearing Examiners.<sup>29</sup>

(5) The Commission hereby schedules a telephonic hearing for the receipt of testimony from public witnesses on the Company's 2023 RPS Filing, as follows:

- (a) A hearing for the receipt of testimony from public witnesses shall be convened telephonically at 10 a.m. on June 27, 2023, with no witness present in the Commission's courtroom.<sup>30</sup>

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<sup>29</sup> Such electronic copies shall be sent to: [Wendy.Starkey@scc.virginia.gov](mailto:Wendy.Starkey@scc.virginia.gov), [LeaAnn.Robertson@scc.virginia.gov](mailto:LeaAnn.Robertson@scc.virginia.gov), and [Kaitlyn.Mcclure@scc.virginia.gov](mailto:Kaitlyn.Mcclure@scc.virginia.gov).

<sup>30</sup> The Hearing Examiner will convene counsel of record in this proceeding to attend the public witness hearing virtually.

- (b) To promote fairness for all public witnesses, each witness will be allotted five minutes to provide testimony.
- (c) On or before June 20, 2023, any person desiring to offer testimony as a public witness shall provide to the Commission (a) your name, and (b) the telephone number that you wish the Commission to call during the hearing to receive your testimony. This information may be provided to the Commission in three ways: (i) by filling out a form on the Commission's website at [scc.virginia.gov/pages/Webcasting](http://scc.virginia.gov/pages/Webcasting); (ii) by completing and emailing the PDF version of this form to [SCCInfo@scc.virginia.gov](mailto:SCCInfo@scc.virginia.gov); or (iii) by calling (804) 371-9141.
- (d) Beginning at 10 a.m. on June 27, 2023, the Commission will telephone sequentially each person who has signed up to testify as provided above. This hearing will not be convened, and the parties will be notified of such, if no person signs up to testify as a public witness.
- (e) This public witness hearing will be webcast at [scc.virginia.gov/pages/Webcasting](http://scc.virginia.gov/pages/Webcasting).

(6) A public evidentiary hearing shall be convened at 9:30 a.m. on June 28, 2022, in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, to receive testimony and evidence offered by the Company, respondents, and the Staff on the Company's 2023 RPS Filing. The public evidentiary hearing shall conclude and adjourn no later than June 30, 2023.

(7) An electronic copy of the Company's 2023 RPS Filing may be obtained by submitting a written request to counsel for the Company: Noelle J. Coates, Esquire, American Electric Power Service Corporation, 1051 East Cary Street, Suite 1100, Richmond, Virginia 23219, or [njcoates@aep.com](mailto:njcoates@aep.com). Interested persons also may download unofficial copies from the Commission's website: [scc.virginia.gov/pages/Case-Information](http://scc.virginia.gov/pages/Case-Information).

(8) On or before April 19, 2023, the Company shall cause the following notice to be published as display advertising (not classified) on one (1) occasion in newspapers of general circulation throughout the Company's Virginia service territory:

NOTICE TO THE PUBLIC OF RENEWABLE  
PORTFOLIO STANDARD (RPS) FILING BY  
APPALACHIAN POWER COMPANY  
CASE NO. PUR-2023-00001

- Appalachian Power Company ("APCo" or the "Company") has submitted its 2023 Renewable Portfolio Standard ("RPS") Filing.
- APCo requests approval of a revenue requirement of \$23,178,026 over the rate year October 2023 through September 2024. According to APCo, this amount would decrease a typical residential customer's bill using 1,000 kilowatt hours per month by \$0.58.
- The Hearing Examiner appointed by the State Corporation Commission will hold a telephonic hearing in this case on June 27, 2023, at 10 a.m., for the receipt of public witness testimony.
- An evidentiary hearing will be held on June 28, 2023, at 9:30 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219.
- Further information about this case is available on the SCC website at: [scc.virginia.gov/pages/Case-Information](https://scc.virginia.gov/pages/Case-Information).

During its 2020 Session, the Virginia General Assembly enacted Chapters 1193 (HB 1526) and 1194 (SB 851) of the 2020 Virginia Acts of Assembly. These duplicate Acts of Assembly, known as the Virginia Clean Economy Act ("VCEA"), became effective on July 1, 2020. The VCEA, inter alia, establishes a mandatory renewable energy portfolio standard ("RPS") for Appalachian Power Company ("APCo" or "Company") in new § 56-585.5 of the Code of Virginia ("Code"). Subdivision D 4 of Code § 56-585.5 requires APCo to submit annually to the State Corporation Commission ("Commission") plans and petitions for approval of new solar and onshore wind

generation capacity ("RPS Filing"). The Commission must determine whether the RPS Filing is reasonable and prudent, giving due consideration to the following factors: (i) the RPS and carbon dioxide reduction requirements in Code § 56-585.5; (ii) the promotion of new renewable generation and energy storage resources within the Commonwealth, and associated economic development; and (iii) fuel savings projected to be achieved by the plan. The Commission's final order regarding any RPS Filing is required by Code § 56-585.5 D 4 to be entered by the Commission not more than six months after the date of such filing.

On March 15, 2023, APCo submitted its third annual RPS Filing to the Commission ("2023 RPS Filing" or "Petition"). The 2023 RPS Filing requests that the Commission:

- (i) Approve the Company's annual plan for the development of new solar, wind, and energy storage resources pursuant to Code § 56-585.5 D 4 in order to comply with the mandatory RPS established by the VCEA (the "2023 RPS Plan");
- (ii) Approve a revenue requirement of \$23,178,026 for the rate year of October 2023 through September 2024 ("Rate Year") to be recovered through the mechanisms and methodology approved by the Commission in the 2022 VCEA Order;
- (iii) Determine that six new power purchase agreements ("PPAs") and one re-negotiated PPA with solar facilities, all except one located in Virginia, are prudent and can be added to the Company's RPS compliance portfolio;
- (iv) Approve the future cost recovery related to the acquisition by APCo, pursuant to a Purchase and Sale Agreement, of one other renewable facility, which is not located in Virginia and will not be online during the Rate Year; and

APCo states that its 2023 RPS Plan includes multiple scenarios to help inform subsequent requests for proposals for renewable and storage resources that meet the RPS goals, Virginia-domiciled renewable generator requirements, and the energy storage requirements of Code § 56-585.5. The Company further states that each of the portfolios modeled for this RPS analysis was least cost and VCEA compliant, and demonstrated an optimal selection of diverse resources. The Company asserts that new renewable resources serve to mitigate some of the expected capacity needs in 2040 with the modeled retirement of the Atmos and Mountaineer units. The Company further states that market

purchases of renewable energy certificates ("RECs") constitute a significant share of compliance strategy for the years prior to 2025. The Company asserts that the use of Virginia compliant RECs in the years prior to 2025 will enable the Company to bank RECs generated from its own resources for use in 2025 and 2026 as its first wave of acquired and contracted resources begin to go into service.

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APCo proposes to own a wind facility outside of Virginia, the Grover Hill Facility, which is being developed as a 146.2 megawatt ("MW") facility located in Paulding County, Ohio. The Company states that this project may be resized to 103.5 MW, which would result in a decrease in the purchase price. APCo asserts that the Grover Hill Project qualifies as an "RPS eligible source," as it is physically located within the PJM region.

The Company asserts that Grover Hill will not be in commercial operation during the Rate Year. Therefore, the Company states that it is not requesting recovery of specific costs in this proceeding. APCo requests that the Commission authorize the Company to implement "zero rates" to be kept in place until the Grover Hill enters commercial operation. The Company states that the Commission's determination that Grover Hill will be a reasonable and prudent addition to the Company's RPS compliance portfolio is necessary to the project's advancement. The Company asserts that approval in this Petition will allow the Company to take advantage of the federal tax credits for the benefit of its customers.

#### Solar Power Purchase Agreements

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- (1) Green Acres Solar, a 5 MW solar facility (single axis tracking) located in Henry County;
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### Environmental Justice

The Company states that it screened each of the proposed projects for any environmental justice concerns and determined that each met the objectives of the Virginia Environmental Justice Act. Further, the Company states that none of the projects disproportionately impacted environmental justice communities as defined in Code § 2.2-234.

### Legacy Voluntary Compliance Resources

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### Cost Recovery and Rate Impact

APCo seeks approval to recover through its RPS RACs the Rate Year revenue requirement of \$23,178,026. The Company states that this revenue requirement consists of: (1) the under-recovery of costs through November 2022 in the amount of \$16,294,531; (2) the Bridge Period revenue requirement of \$(14,382,731) for the period December 2022 through September 2023; (3) and the 2022 VCEA Rate Year revenue requirement of \$21,266,226.

APCo states that the cost allocation methodologies and recovery mechanisms used in this Petition are those approved by the Commission on a conditional basis in the 2022 VCEA Order, which are as follows:

- (1) A.5 RPS RAC to recover \$19,591,559, the non-energy, non-ancillary services, non-capacity costs for all owned facilities, PPAs, and REC purchases;
- (2) A.5 RPS-PCAP RAC to recover \$2,832,042, the costs for the capacity purchased through PPAs; and,

(3) A.6 RPS RAC to recover \$754,425, the costs of capacity and energy from facilities owned by the Company.

APCo estimates implementation of the revised RPS RACs on October 1, 2023, would decrease the monthly bill of a residential customer using 1,000 kilowatt-hours per month by approximately \$0.58.

The foregoing is not an exhaustive list of all the proposals contained in the Company's Petition. Interested persons are encouraged to review the Company's Petition and supporting documents for the details of these and other proposals.

TAKE NOTICE that the Commission may apportion revenues among customer classes and/or design rates in a manner differing from that shown in the Petition and supporting documents and thus may adopt rates that differ from those appearing in the Company's Petition and supporting documents.

The Commission entered an Order for Notice and Hearing in this proceeding that, among other things, scheduled public hearings on APCo's 2023 RPS Filing. On June 27, 2023, at 10 a.m., a Hearing Examiner appointed by the Commission will hold a telephonic hearing, with no witness present in the Commission's courtroom, for the purpose of receiving the testimony of public witnesses. On or before June 20, 2023, any person desiring to offer testimony as a public witness shall provide to the Commission (a) your name, and (b) the telephone number that you wish the Commission to call during the hearing to receive your testimony. This information may be provided to the Commission in three ways: (i) by filling out a form on the Commission's website at [scc.virginia.gov/pages/Webcasting](http://scc.virginia.gov/pages/Webcasting); (ii) by completing and emailing the PDF version of this form to [SCCInfo@scc.virginia.gov](mailto:SCCInfo@scc.virginia.gov); or (iii) by calling (804) 371-9141. This public witness hearing will be webcast at [scc.virginia.gov/pages/Webcasting](http://scc.virginia.gov/pages/Webcasting).

Beginning at 10 a.m. on June 27, 2023, the Hearing Examiner will telephone sequentially each person who has signed up to testify as provided above.

On June 28, 2023, at 9:30 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, a Hearing Examiner appointed by the Commission will convene a hearing to receive testimony and evidence related to the Company's 2023 RPS Filing from the Company, any respondents, and the Commission's Staff ("Staff").

To promote administrative efficiency and timely service of filings upon participants, the Commission has directed the electronic filing of testimony and pleadings unless they contain confidential information, and require electronic service on parties to this proceeding.

An electronic copy of the public version of the Company's 2023 RPS Filing may be obtained by submitting a written request to counsel for the Company: Noelle J. Coates, Esquire, American Electric Power Service Corporation, 1051 East Cary Street, Suite 1100, Richmond, Virginia 23219, or [njcoates@aep.com](mailto:njcoates@aep.com). Interested persons also may download unofficial copies from the Commission's website: [scc.virginia.gov/pages/Case-Information](http://scc.virginia.gov/pages/Case-Information).

On or before June 20, 2023, any interested person or entity may submit comments on the 2023 RPS Filing by following the instructions found on the Commission's website: [scc.virginia.gov/casecomments/Submit-Public-Comments](http://scc.virginia.gov/casecomments/Submit-Public-Comments). Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All such comments shall refer to Case No. PUR-2023-00001.

On or before May 19, 2023, any interested person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation at [scc.virginia.gov/clk/efiling](http://scc.virginia.gov/clk/efiling). Those unable, as a practical matter, to file a notice of participation electronically may file such notice with the Clerk of the Commission at the address listed above. Such notice of participation shall include the email addresses of such parties or their counsel, if available. The respondent simultaneously shall serve a copy of the notice of participation on counsel to the Company. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2023-00001. For additional information about participation as a respondent, any person or entity should obtain a copy of the Commission's Order for Notice and Hearing.



On or before May 30, 2023, each respondent may file with the Clerk of the Commission, at [scc.virginia.gov/clk/efiling](http://scc.virginia.gov/clk/efiling), any testimony and exhibits by which the respondent expects to establish its case. Any respondent unable, as a practical matter, to file testimony and exhibits electronically may file such by U.S. mail to the Clerk of the Commission at the address listed above. Each witness's testimony shall include a summary not to exceed one page. All testimony and exhibits shall be served on the Staff, the Company, and all other respondents simultaneously with its filing. In all filings, respondents shall comply with the Commission's Rules of Practice, as modified by the Commission's Order for Notice and Hearing, including 5 VAC 5-20-140, *Filing and service*, and 5 VAC 5-20-240, *Prepared testimony and exhibits*. All filings shall refer to Case No. PUR-2023-00001.

Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified by the Commission's Order for Notice and Hearing, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Rules of Practice.

The public version of the Company's 2023 RPS Filing, the Commission's Rules of Practice, the Commission's Order for Notice and Hearing, and other documents filed in the case may be viewed at: [scc.virginia.gov/pages/Case-Information](http://scc.virginia.gov/pages/Case-Information).

#### APPALACHIAN POWER COMPANY

(9) The Company shall serve each official listed in 20 VAC 5-204-10 J 1 as provided by 20 VAC 5-204-10 J 2.

(10) On or before May 10, 2023, the Company shall file proof of the notice and service required by Ordering Paragraphs (8) and (9) above, including the name, title, address, and electronic mail address (if applicable) of each official served, with the Clerk of the State Corporation Commission by filing electronically at [scc.virginia.gov/clk/efiling](http://scc.virginia.gov/clk/efiling).

(11) On or before June 20, 2023, any interested person may submit comments on the 2023 RPS Filing by following the instructions found on the Commission's website:

[scc.virginia.gov/casecomments/Submit-Public-Comments](http://scc.virginia.gov/casecomments/Submit-Public-Comments). Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All comments shall refer to Case No. PUR-2023-00001.

(12) On or before May 19, 2023, any interested person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation with the Clerk of the Commission at [scc.virginia.gov/clk/efiling](http://scc.virginia.gov/clk/efiling). Those unable, as a practical matter, to file a notice of participation electronically may submit such notice by U.S. mail to the Clerk of the Commission at the address listed in Ordering Paragraph (11). Such notice of participation shall include the email addresses of such parties or their counsel, if available. The respondent simultaneously shall serve a copy of the notice of participation on counsel to the Company. Pursuant to Rule 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2023-00001.

(13) Within three (3) business days of receipt of a notice of participation as a respondent, the Company shall serve a copy of the public version of its 2023 RPS Filing and supporting materials on the respondent, unless these have already been provided to the respondent.

(14) On or before May 30, 2023, each respondent may file with the Clerk of the Commission, at [scc.virginia.gov/clk/efiling](http://scc.virginia.gov/clk/efiling), and serve on the Staff, Company, and any other

respondents, any testimony and exhibits by which the respondent expects to establish its case. Any respondent unable, as a practical matter, to file testimony and exhibits electronically may submit such by U.S. mail to the Clerk of the Commission at the address in Ordering Paragraph (11). Each witness's testimony shall include a summary not to exceed one page. In all filings, the respondent shall comply with the Commission's Rules of Practice, including 5 VAC 5-20-140, *Filing and service*, and 5 VAC 5-20-240, *Prepared testimony and exhibits*. All filings shall refer to Case No. PUR-2023-00001.

(15) On or before June 6, 2023, the Staff shall investigate the 2023 RPS Filing and file with the Clerk of the Commission its testimony and exhibits concerning the 2023 RPS Filing, and each Staff witness's testimony shall include a summary not to exceed one page. A copy thereof shall be served on counsel to the Company and all respondents.

(16) On or before June 13, 2023, the Company shall file with the Clerk of the Commission any rebuttal testimony and exhibits that it expects to offer, and each rebuttal witness's testimony shall include a summary not to exceed one page. The Company shall serve a copy of its rebuttal testimony and exhibits on the Staff and all respondents.

(17) On or before August 1, 2023, the Hearing Examiner will file the final report containing the Hearing Examiner's findings and recommendations with the Clerk of the Commission.

(18) Comments to the Hearing Examiner's Report will be due no later than August 15, 2023.

(19) Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, all filings shall comply fully

with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

(20) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories or requests for production of documents and things*, shall be modified for this proceeding as follows: responses and objections to written interrogatories and requests for production of documents shall be served within five (5) calendar days after receipt of the same. In addition to the service requirements of 5 VAC 5-20-260 of the Rules of Practice, on the day that copies are filed with the Clerk of the Commission, a copy of the interrogatory or request for production shall be served electronically on the party to whom the interrogatory or request for production is directed or the assigned Staff attorney if the interrogatory or request for production is directed to the Staff.<sup>31</sup> Except as modified above, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(21) The Company's requests for waivers are granted as set forth in this Order for Notice and Hearing.

(22) This matter is continued.

Commissioner Patricia L. West participated in this matter.

A COPY hereof shall be sent electronically by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission.

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<sup>31</sup> The assigned Staff attorney is identified on the Commission's website: [scc.virginia.gov/Case-Information](http://scc.virginia.gov/Case-Information), by clicking "Docket Search," and clicking "Search by Case Information," and entering the case number, PUR-2023-00001, in the appropriate box.